UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT TUBIAK and EDWARD CUELLO, on behalf of themselves and all others similarly situated, Plaintiffs, v. THE NIELSEN COMPANY (US), LLC, and NIELSEN HOLDINGS N.V., Defendants.	No. 1:15-cv-5159 (PKC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _12-12-16_

[PROPOSED] ORDER

WHEREAS, on December 1, 2016, the Parties filed their Joint Motion for Approval of Fair Labor Standards Act Settlement;

WHEREAS, the Court has considered all arguments made in support of the motion;

WHEREAS, the Court finds that the Parties have met their burden of showing that the proposed settlement (the "Settlement") is fair and reasonable and is the compromise of a *bona fide* dispute;

It is hereby ORDERED that:

1.   The Settlement in the amount of $105,561.00 is approved, and all terms in the Parties' Stipulation of Settlement and Release are approved;

2.   The Court approves Service Awards of $5,000.00 each to Named Plaintiffs Scott Tubiak and Edward Cuello

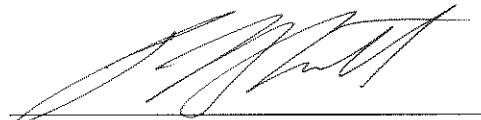*[handwritten: is DENIED. See Silberblatt v. Morgan Stanley, 524 F.Supp. 425 (S.D.N.Y. 2007)]*

[handwritten initials: PKC]

3.   The Court approves an award of attorneys' fees ~~and expenses~~ *costs and* to Class

Counsel in the amount of $1~~49,439.00~~ *$116,751.20 and expenses of $3,500..*; and

4.   The Court approves the dismissal, without prejudice, of the claim of Scott

Blackwell, who opted in to this action but was determined by the Parties not to be a Class

Member. *5 Motion (Doc 92) is Terminated. Case is closed*

Date: *12-9*_____, 2016

_____
P. Kevin Castel, U.S.D.J.

From a detailed review of the time records, there is no indication that a single deposition was taken in this case. The principal events were the preparation of a complaint, a motion to conditionally certify the action, two conferences with the Court, a mediation and a motion to approve settlement. The large disparity between the award to the individual plaintiffs versus the significantly higher award to counsel also raises a danger of conflict between counsel and their clients. Accordingly,